

REMARKS

Claims 1-5 and 9-10 are pending, claims 6-8 are cancelled in the above-identified patent application.

Support for all claim and specification amendments are found in the originally filed specification and claims.

No new matter has been added to the claims or specification by amendment.

Applicants request consideration and entry into the record of the following amendments and remarks.

Notice To Comply

The Examiner states that while a copy of the "Sequence Listing" in computer readable format has been submitted, the content of that listing does not comply with the requirements of 37 C.F.R. § 1.82. As such, a copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 C.F.R. § 1.82.

Applicants have attached a new "Sequence Listing" in computer readable format which comply with the requirements of 37 C.F.R. § 1.82.

Rejection Under 35 U.S.C. §112 2nd paragraphs

Claim 7 is rejected under 35 U.S.C. §112, 1st para., as the specification, while being enabling for a method of inhibiting MMP-12, does not reasonably provide enablement for treating any inflammatory disease or autoimmune disorder.

Applicants have obviated the above-identified rejection by cancelling claim 7 in the above-identified application.

In light of the above, applicant requests that the above rejection under 35 U.S.C. § 112, 1st para., be withdrawn.

Rejection Under 35 U.S.C. §112 2nd paragraphs

Claims 1 is rejected under 35 U.S.C. §112, 2nd para., for being indefinite and for failing to particularly point out and distinctly claim the invention.

The Examiner states that there is no support for the variables R³, R⁶, R⁷, R⁸, and R⁹ in claim 1, which are "no longer part of the [chemical] structure" in light of previous amendments.

In response, applicants have amended claim 1 to delete recitation to the variables R⁶, R⁷, R⁸, R⁹ and the phrase "provided that R² is not CO₂R⁷, when X is CONH₂".

However, applicants did not amend claim 1 to delete the variable "R³ is OR⁶ or NR⁸R⁹", because it is necessary to define the term X is COR³ as defined for in the structure of Formula (I).

In light of the above, applicants request the above-identified rejections be withdrawn.

Allowable Subject Matter

Claims 4, 5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable, if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants respectfully point out that claims 4, 5, 9 and 10 are properly dependent from amended independent claim 1.

In light of the above, applicants request the above-identified rejections be withdrawn.

CONCLUSION

In view of the above amendments and remarks, applicant believes that the claims of the present application are in condition for allowance and is earnestly solicited .

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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